

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**DON BLANKENSHIP,**

Plaintiff,

v.

Civil Action No.: 2:19-cv-00236  
(Hon. John T. Copenhaver, Jr., District Judge)

**ANDREW NAPOLITANO, et al,**

Defendants.

**DEFENDANTS THEHUFFINGTONPOST.COM, INC. AND MICHELANGELO  
SIGNORILE’S MOTION TO DISMISS**

Defendants TheHuffingtonPost.com, Inc. (erroneously identified in the First Amended Complaint as Verizon Media, LLC d/b/a The Huffington Post) and Michelangelo Signorile (collectively, the “HuffPost Defendants”) hereby move to dismiss Plaintiff’s Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Alternatively, Plaintiff’s Amended Complaint should be dismissed as to the HuffPost Defendants for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2). For the reasons stated in the Memorandum in Support of this Motion filed contemporaneously herewith, the Motion should be granted without leave to amend.

/s/ Sean P. McGinley

Sean P. McGinley (WVSB #5836)

Robert M. Bastress, III, Esq. (WVSB # 9616)

**DIPIERO SIMMONS MCGINLEY &  
BASTRESS, PLLC**

604 Virginia Street, East

Charleston, WV 25301

Tel: 304.342.0133

[Sean.McGinley@dbdlawfirm.com](mailto:Sean.McGinley@dbdlawfirm.com)

[Rob.Bastress@DBDLawFirm.com](mailto:Rob.Bastress@DBDLawFirm.com)

Jean-Paul Jassy (*pro hac vice* forthcoming)

William T. Um (*pro hac vice* forthcoming)

Elizabeth H. Baldrige (*pro hac vice*  
forthcoming)

**JASSY VICK CAROLAN LLP**

800 Wilshire Boulevard, Suite 800

Los Angeles, CA 90017

Telephone: (310) 870-7048

Facsimile: (310) 870-7010

jpjassy@jassylvick.com

wum@jassylvick.com

ebaldrige@jassylvick.com

*Counsel for TheHuffingtonPost.com, Inc. and  
Michelangelo Signorile*

**CERTIFICATE OF SERVICE**

I, Sean P. McGinley, hereby certify that on this 16th day of August, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants, including:

Jeffrey S. Simpkins  
**SIMPKINS LAW**  
102 E. 2nd Avenue  
Williamson, WV 25661  
Telephone: 304.235.2735

Eric P. Early (CA 166275) (pro hac vice)  
Jeremy Gray (CA 150075) (pro hac vice )  
Kevin S. Sinclair (CA 254069) (pro hac vice)  
**EARLY SULLIVAN WRIGHT GIZER & MCCRAE**  
6420 Wilshire Boulevard, 17 Floor  
Los Angeles, CA 90048  
Telephone: 323.301.4660

/s/ Sean P. McGinley, Esq.  
Sean P. McGinley, Esquire (WV Bar # 5836)